

REMARKS**I. Status of Claims**

Claims 1-78 were originally filed in the application. In a first office action, claims 1, 2, 8-12, 19-20, 21-23, 29-32, 38-39, 40-41, 47-51, 57-58, 70-71, 59-61, 67-68 and 77-78 stood rejected under 35 U.S.C. §102(e) as being anticipated by Anderson, Jr. et al (US Patent No. 6,578,203). Claims 3-7, 14-18, 24-28, 33-36, 42-45, 52-56, 62-66 and 72-75 stood rejected under 35 U.S.C. §103(a) as being unpatentable over Anderson, Jr. et al. (US Patent No. 6,578,203) in view of Narayanaswami (US Patent No. 6,657,654). In response to the first office action, claims 6, 13, 15, 17/ 23, 25-27, 32-68, 71, and 73-78 were cancelled, and claims 1-5, 7, 9, 10-12, 14, 16, 18-19, 21-22, 24, 28-29, 31, 70 and 72 were amended to place them in better form for allowance. The prior art of record cited against the independent claims was distinguished.

After a second office action dated November 17, 2005, made final, claims 1-5, 7-12, 14, 16, 18-22, 24, 28-31, 70 and 72 were rejected, Applicants submitted an amendment and response, and requested reconsideration. Applicants amended claims 1-3, 5, 7 and 8, and cancelled claim 4. Claims 1-3, 5, 7-12, 14, 16, 18-22, 24, 28-31, 69-70, and 72 remained pending in the case.

On March 6, 2006, an advisory action was received from the office indicating that the amendment submitted by Applicant would not be entered because it raised new issues. Applicant filed an RCE on March 15, 2006 and included the un-entered amendment.

A first office action following the RCE filing was received from the office April 17, 2006 wherein claims 1-3, 5, 7-12, 14, 16, 18-22, 24, 28-31, 69, 70 and 72 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Anderson et al (US Patent #6,578,203) in view of Duhault (US Patent #6,456,334).

A Final Office Action, which is the subject of this response, was received on October 20, 2006. The rejection of claims 1, 2, 8-12, 18-22, 29-30, 31, 70 and 72 under 35 U.S.C. 103(a) as being unpatentable over Anderson et al in view of Duhault is maintained.

Applicants request reconsideration of the claims in light of the following remarks.

Page 10 of 15
SERIAL NO. 10/015,458

II. Rejection of claim 1-3, 5, 7-12, 14, 16, 18-22, 24, 28-31, 69, 70 and 72 under 35 U.S.C. §103(a) as being unpatentable over Anderson et al. in view of Duhault.

Applicant have argued during prosecution that Anderson et al does not teach or suggest a "hand held device" as required and taught by Applicants in their specification and drawings, and as required as elements in their claims. It is very important to the use of Applicants' invention as claimed that the device be a hand held device with a display capable of simultaneously displaying more than one video at a time when used as an entertainment venue.

Applicant now submit a declaration signed by Dr. Richard Krukar, who is well qualified as a person having skill the relevant art, confirming that Anderson et al is not a hand held device. Dr. Krukar's independent analysis supports Applicants' position that Anderson et al is not a hand held as claimed by Applicants. Dr. Krukar's declaration defeats the proposition that one skilled in the art would be motivated to combine Duhault with Anderson et al because of Anderson et al's limitations. Dr. Krukar analysis makes it clear that the skilled would not choose Anderson et al as a device for viewing of more than one video at a time, obviousness can not be met.

Applicants again point to the prosecution history wherein Examiner admits that "the Anderson device lacks the use of simultaneous displaying more than one in-play camera view." The Examiner has acknowledged during prosecution that patent references Anderson, Jr. et al (US Patent No. 6,578,203) alone does not teach the display of more than one in-play camera view on a hand held device. As supported in Dr. Krukar's declaration, there is a very good reason for this: "In any display system, the most important thing is what appears on the imaging plane. The imaging plane coincides with a viewer's retina. The naked eye uses a lens to image distant objects onto the retina. A hand held device is like a picture held 20 inches or so from the viewers face. A head mounted display is like binoculars held to the viewer's eyes. A picture held to the eye is har to perceive. Binoculars held at 20' show, at best, two dots of light on the reat lens. A picture held to the viewers face results in a blurred incomplete perception follow by eye strain and headache." Cearly, the skilled in the art like Dr. Krukar will agree that Anderson was never anticipated to be operated as a "hand held device."

It is also clear that one skilled in the art conducting a publication or patent search would see the Anderson et al reference for what it specifically is: the teaching of a "head mounted display" technology. Why would the skilled be motivated to combine Duhault with Anderson et al when a screen that is capable of displaying more than one video image is required, and where the Anderson et al device specifically refers to use of a "head mounted display" and is entitled "audio/video signal distribution system for Head Mounted displays." Furthermore, as supported by Dr. Krukar's declaration, a skilled user of a head mounted display form factor, would not be able to or interested in the *simultaneous* viewing of video captured from more than one video source.

Given Dr. Krukar's declaration, the Examiner can now agree that a combination of Anderson et al with Duhault would not seriously be considered by the skilled because the combination technically will not work in the eyes of the skilled in the art. The Examiner can also agree that the skilled would read the title for Anderson et al and understand from its specification, copied again below, that it is limited to a head mounted display:

In the preferred embodiment, as shown by FIG. 4, the display screen 101 and speaker 103 are included within a head mounted display (HMD) 104, which is a well known device of the prior art. An example of a head mounted display suitable for implementing the present invention is fully described in U.S. Pat. No. 5,844,656, entitled "Head Mounted Display with Adjustment Components" and filed on Nov. 7, 1996, by Ronzani et al., which is incorporated herein by reference. Furthermore, when the combined signal 71 is transmitted via a coaxial cable, the receiver 75 may be located at a spectator's stadium seat or other convenient location. When the combined signal 71 is transmitted via a wireless transmitter, the receiver 75 is portable, and a spectator may carry the receiver 75 with him and choose where he would like to view the images and hear the sounds produced by the receiver 75.

Anderson et al's FIG. 4 also supports the limitation in form factor anticipated for use by the skilled as being a "head mounted display":

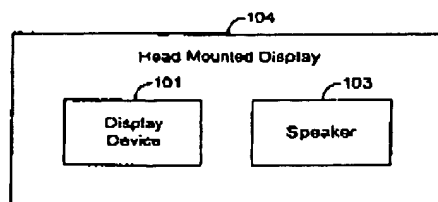


FIG. 4

Dr. Krukar's declaration supports that this limitation clearly exists. It is very clear that Anderson et al specifically incorporate the "head mounted display" taught by Ronzani et al to suggest to the skilled a preferred embodiment. Specifically, the Anderson reference calls on support for a HMD into his specification by referring to U.S. Patent No. 5,844,656 entitled "Head Mounted Display with Adjustment Components" by Ronzani et al, which is specifically incorporated by reference in Anderson (i.e., see column 25, lines 25-30). A close review of FIGS. 1-9 in the Ronzani et al reference reveals that HMD 104 taught and suggested by Anderson is not a "hand held device." FIG. 8 of Ronzani has been copied below to illustrate the type of device taught by Anderson.

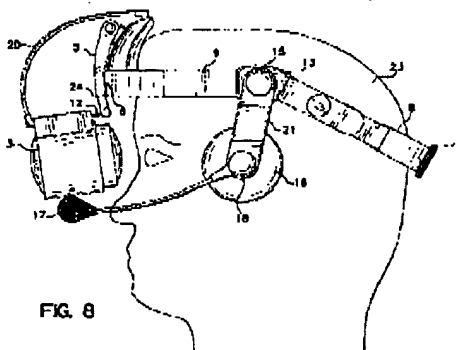


FIG. 8

The HMD 20 taught by Ronzani et al, like Anderson's, must be attached to a person's head 23 during use. As indicated at column 3, lines 39-65 of Ronzani et al, a headband (8) is utilized to attach the HMD to a person's head (23). Additionally, Ronzani et al points out at column 2, lines 15-17 that it is "a further object of this invention to provide an adjustable HMD that is designed to be comfortably worn over a long period of time".

Thus, the HMD taught by Ronzani et al and Anderson is worn by or attached to a person's head and does not constitute a hand held device during operation. The Anderson device is not similar to the "hand held" device taught by Applicants, such as PDAs, cellular telephones, hand held televisions, which are specifically held in a user's hand during use for viewing video and are more conducive to enabling the user to view more than one video signal simultaneously on a display and for enabling selection of a single video image by the user.

Applicants respectfully submit that the Examiner is unfortunately placing way too much emphasis on a single sentence in Anderson et al to support a broader application of the head mounted device taught therein. Examiner only relies on a portion of the text in Anderson et al:

spectator may carry the receiver 75 with him and choose³⁵
where he would like to view the images and hear the sounds
produced by the receiver 75.

The "receiver 75" referred to in this sentence remains limited in teaching to the "head mounted display" device. Of course a spectator would carry the Anderson et al device with him into the entertainment venue. The spectator would have to do the same with Applicants' device; but what is important is how the device operates and how it is used. This is what truly distinguishes Anderson et al from Applicants' device. The technical distinction is why the skilled would never be interested in combining the teaching of Duhault with Anderson et al. The skilled will not take a broader view as evidenced by Dr. Krukar's analysis written in the attached Declaration.

The declaration of Dr. Krukar supports Applicants' interpretation of the full scope of Anderson et al. Dr. Krukar supports the position that Anderson et al is technically limited "head mounted" form factor. Dr. Krukar supports the position that Duhault would not benefit from using Anderson et al's teachings; therefore, how can the skilled in the art expect to be motivated to combine Duhault with Anderson et al. Dr. Krukar's declaration proves that "the skilled in the art" would not be motivated to make such a combination, because the combination of Anderson et al with Duhault simply wouldn't work. It would not be desirable for a user to view simultaneous images through binoculars. Why would a user want to view simultaneous images through the head mounted display taught by Anderson et al

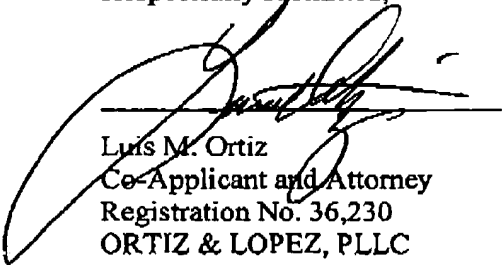
III. Conclusion

Applicants submit that Dr. Krukar's declaration together with the above remarks place the pending claims in a condition for allowance. Applicants respectfully request the withdrawal of the rejections under 35 U.S.C. §103 based on these submissions. Reconsideration and early allowance of Applicants' application is also respectfully solicited.

The Examiner is respectfully requested to contact the undersigned representative to conduct an interview in an effort to expedite prosecution in connection with the present application should there be any outstanding matters that need to be resolved in the present application.

Respectfully submitted,

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